

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 08-59975

PAULA MARIE CAMACHO,

Chapter 13

Debtor.

Judge Thomas J. Tucker

_____ /

ORDER DENYING MOTION FOR RECONSIDERATION

This case comes before the Court on Debtor's "Motion to Reinstate Chapter 13 Case," filed on November 22, 2008 (Docket # 24), which this Court construes as a motion for reconsideration of the November 6, 2008 Order dismissing this case (Docket # 22), and

The Court having reviewed and considered the Motion, and

The Court finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

In addition, the Court notes the following. First, the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), FedR.Bankr.P. 9024, or any other valid ground for relief from the order dismissing this case.

Debtor's attorney appeared at the November 6, 2008 confirmation hearing, but the Debtor did not appear at either the status conference or the contested confirmation hearing that day. Nor did the Debtor timely give her attorney any proof, which he could then have submitted to the Chapter 13 Trustee and to the Court on November 6, 2008, that she had mailed payments to the Trustee that had not yet posted to the Trustee's records, as alleged in paragraph 3 of the Motion. At the time of the contested confirmation hearing on November 6, Debtor's attorney was unaware of any such payments. The time to present any proof of such payments is no later than

the confirmation hearing, not in a post-dismissal motion to reinstate the case filed sixteen days later. The Debtor's Motion does not present any excuse, let alone a valid excuse, for this unreasonable delay by the Debtor that was prejudicial to creditors.

NOW, THEREFORE,

IT IS ORDERED that the Motion (Docket # 24) should be, and is, DENIED.

Signed on November 24, 2008

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge